

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, As representative of THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i> Debtors. ¹	PROMESA Title III No. 17-BK-3283 (LTS) (Jointly Administered)
In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, As representative of PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY, Debtor.	PROMESA Title III No. 17-BK-3567 (LTS)

**NOTICE OF HEARING ON CONSENTED MOTION FOR LEAVE TO FILE CLAIM
UNDER SEAL IN CASE NO. 17-3567**

PLEASE TAKE NOTICE that a hearing on the annexed “Consented Motion for Leave
To File Claim under Seal in Case No. 17-3567” (the “Motion”) filed by Siemens Transportation

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686).

Partnership Puerto Rico, S.E. (“Siemens”), pursuant to 11 U.S.C. §107(b), and Local Bankruptcy Rule 9018-1, made applicable to these Title III cases by section 301 of the Puerto Rico Oversight, Management and Economic Stability Act of 2016 or “PROMESA” and by this Court’s Order Establishing Case Management Procedures, as amended (see Docket No. 249, 262 and 1065 in Case No. 17-3283; Docket No. 40 in Case No. 17-3567), will be held before the Honorable Laura Taylor Swain, United States District Court Judge, at the United States District Court for the District of Puerto Rico, in Room 3, 150 Carlos Chardón Street, Federal Building, Office 150, San Juan, Puerto Rico 00918-1767 on **October 4, 2017 at 9:30 a.m. (Atlantic Standard Time)** (the “Hearing”).

PLEASE TAKE FURTHER NOTICE that any responses or objections (“Objections”) to the Motion shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the District of Puerto Rico, shall be filed with the Court (a) by attorneys practicing in the District Court, including attorneys admitted *pro hac vice*, electronically in accordance with rule 5 of the Local Rules for the District of Puerto Rico (the “Local District Court Rules”), and (b) by all other parties in interest, on a CD-ROM, in text searchable portable document format (PDF), to the extent applicable, and shall be served in accordance with the Second Amended Case Management Procedures Order (Docket No. 1065-1), so as to be so filed and received no later than **September 19, 2017 at 4:00 p.m. (Atlantic Standard Time)** (the “Objection Deadline”).

PLEASE TAKE FURTHER NOTICE that if an Objection to the Motion is not received by the Objection Deadline, the relief requested shall be deemed unopposed, and the District Court may enter an order granting the relief sought without a hearing pursuant to the Second Amended Case Management Procedures.

Dated: August 18, 2017
San Juan, Puerto Rico

Respectfully submitted,
ANTONETTI MONTALVO & RAMIREZ COLL
P.O. Box 13128
San Juan, PR 00908
Tel: (787) 977-0303
Fax: (787) 977-0323

s/ Jose L. Ramirez-Coll
JOSE L. RAMIREZ-COLL
USDC-PR No. 221702
jramirez@amrclaw.com

Hearing Date: October 4, 2017 at 9:30am (Atlantic Standard Time)
Objection Deadline: September 19, 2017 at 4:00pm (Atlantic Standard Time)

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In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, As representative of PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY, Debtor.	PROMESA Title III No. 17-BK-3567 (LTS)

**CONSENTED MOTION FOR LEAVE TO FILE CLAIM UNDER SEAL
IN CASE NO. 17-3567**

TO THE HONORABLE COURT:

Siemens Transportation Partnership Puerto Rico, S.E. (“**Siemens**”) hereby moves this

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Court for an order permitting Siemens to file an unredacted version of its Proof of Claim and any accompanying exhibits which contain confidential information under seal:

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a).

2. Venue is proper pursuant to PROMESA section 307(a).

Relief Requested

3. This Court’s Second Amended Case Management Procedures Order in Case No. 17-3283 (Docket No. 1065), made applicable in Case No. 3567 by Order dated June 2, 2017 (Docket No. 40), expressly preserves the “right of any party to move the Court to request relief under Bankruptcy Code Section 107(b) or Bankruptcy Rule 9018.” Docket 1065-1 in Case No. 17-3283 at 4.

4. Concurrently with this motion, Siemens is filing a Proof of Claim (“POC”), which discusses and includes in an exhibit a “Settlement Agreement” executed with debtor the Puerto Rico Highways and transportation Authority (“PRHTA”), among others. This Settlement Agreement contains a confidentiality clause that prohibits Siemens, as a party thereto, from disclosing any of the terms and conditions of such agreement unless, as a result of an enforcement proceeding regarding such “Settlement Agreement”, steps are taken to maintain the confidentiality of the same, including the filing of documents under seal.

5. The undersigned counsel has discussed the scope of the confidentiality clause contained in the “Settlement Agreement” with counsel for debtor (“PRHTA”), represented in these proceedings by the Financial Oversight and Management Board for Puerto Rico, and counsel for the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”).

AAFAF and debtor have no objection to the filing of Siemens's POC under seal. Upon filing of the POC, Siemens will deliver a copy of the POC and supporting documents to AAFAF and debtor, through their respective counsel of record.

6. Pursuant to Local Bankruptcy Rule 9018-1 and 11 U.S.C. §107(b), Siemens requests the Court grant leave for Siemens to file Siemens' Proof of Claim and its exhibits under seal. Notwithstanding the general presumption of public access to court records, the Court has the authority to enter an order "requiring that ... confidential ... commercial information not be revealed...." Fed.R.Civ. P. 26(c)(1)(G); *see also New York v. Actavis, PLC*, No. 14-cv-7473, 2014 WL 5353774, at *3 (S.D.N.Y. Oct. 21, 2014) ("Internal documents and unpublished drafts that contain non-public strategies and financial information constitute 'confidential commercial information' under Federal Rule 26(c)(1)(g)..."); *Louis Vuitton Malletier S.A. v. Sunny Merchandise Corp.*, 97 F. Supp. 3d 485, 510-511 (S.D.N.Y. 2015) (granting leave to redact and file under seal "confidential business information," including "internal business documents, financial information about both Sunny and particular individuals, investigative reports, and information about Sunny's business operations.").

WHEREFORE, Siemens respectfully requests that the Court enter an order permitting it to file its Proof of Claim in Case No. 17-3567 under seal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18th day of August, 2017.

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record.

ANTONETTI MONTALVO & RAMIREZ COLL

P.O. Box 13128

San Juan, PR 00908

Tel: (787) 977-0303

Fax: (787) 977-0323

s/ Jose L. Ramirez-Coll

JOSE L. RAMIREZ-COLL

USDC-PR No. 221702

jramirez@amrclaw.com

Exhibit A

Proposed Order

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**ORDER GRANTING MOTION FOR LEAVE TO FILE CLAIM UNDER SEAL
IN CASE NO. 17-3567**

The Court has received and reviewed the *Consented Motion for Leave to File Claim Under Seal In Case No. 17-3567* (the “Motion”) filed by Siemens Transportation Partnership

³ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686).

Puerto Rico, S.E. (“**Siemens**”). As to confidential, non-public information in the Proof of Claim and its exhibits, the Court finds that the common law and First Amendment rights of the public to access judicial records and documents are outweighed by the need to maintain the non-public status of the information in question until the appropriate time for its disclosure. Accordingly, leave to file the Siemens Proof of Claim under seal is granted.

Accordingly, the Motion is granted as set forth above. Siemens is authorized to file complete versions of documents containing Siemens’s Non-Public Information and Designated Confidential Material under seal on the CM/ECF system as provided by Local Bankruptcy Rule 9018-1. The following parties who have appeared in these proceedings may also have access to the sealed materials, through their counsel of record:

1. Debtor, the Puerto Rico Highways and Transportation Authority, represented in these proceedings by the Financial Oversight and Management Board for Puerto Rico;
2. The Puerto Rico Fiscal Agency and Financial Advisory Authority.

The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

SO ORDERED.

Dated: _____, 2017

s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge